

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES,

Appellee

v.

RONALD HERRERA CONTRERAS et al,

Appellants

Case No: 22-4745

UNOPPOSED MOTION FOR EXTENSION OF TIME

Comes now Ronald Herrera Contreras, by counsel, according to Local Rule of Appellate Procedure 27 and Local Rule of Appellate Procedure 31(c), and hereby moves for an extension of time of 60 days to file an opening brief in this matter. This motion is made on behalf of all appellants in this consolidated appeal. In Support, they would state as follows:

This Court issued a briefing schedule in this matter on May 18, 2023. The opening brief and joint appendix are due to this Court on June 22, 2023. This was not an ordinary criminal case. The parties picked a jury and swore a jury on May 9, 2022. Almost two months later, the jury returned a verdict on July 1, 2022. The case was considered complex from its inception, with various pre-trial motions and hearings. There are hundreds of pages of transcripts and multiple issues that counsel must address for the appellants. Criminal cases in the Alexandria Division of the Eastern District of Virginia usually are much shorter in duration and complexity, and attorneys can meet the expedited briefing for criminal matters contained within Local Rule 31(a) with less difficulty. But this case is different and represents an extraordinary circumstance. It is a case with

five co-defendants that began in January of 2018 and the trial of which took two months. More than thirty-five days is needed to review the transcripts and adequately develop the issues in this case, especially since the trial occurred almost one year ago and counsel will have to re-familiarize themselves with the specifics of what occurred. In addition, each of the appellants is facing life without the possibility of parole in this matter; they will suffer no prejudice due to the delay counsel is requesting. On the contrary, given the complex nature of the proceedings in the District Court and the necessary coordination among counsel, the appellants will only be well-served with additional time in this matter.

Individual attorneys in this matter have specific circumstances that require this request. Undersigned counsel – representing Mr. Contreras – is beginning a first-degree murder trial in the Superior Court for the District of Columbia on May 30, 2023. That trial is expected to still be in session the week of June 19th. Undersigned counsel cannot devote the resources necessary to pursue this appeal while in that trial. Undersigned Counsel is then set to begin another felony trial on July 11, 2023.

Attorney Benjamin Schiffelbein, representing appellant Douglas Ramirez Ferrera is new to the matter. He was not trial counsel and has only recently taken over for another attorney in his office who has left for other employment. Given the enormous volume of the case, a 60-day extension would better allow him to acquaint himself with the issues and pursue his client's appeal remedies. Attorney David Kionaga, who represents appellant Henry Zelya Martinez, is away from the jurisdiction for the entire month of June.

Given the extraordinary nature of the proceedings below, the difficulty in coordinating among five co-defendants, the resources needed to devote to this appeal, and undersigned counsel's other professional obligations, the appellants in this matter request a 60-day extension of the

current briefing schedule to have the joint appendix and opening brief due to this Court on or before August 21, 2023.

Statement Regarding Consent and Notification

Pursuant to Local Rule 27(a), undersigned counsel certifies that that he has consulted with all other parties to this matter. All appellants in this consolidated case join in the requested relief. The United States has informed undersigned counsel that it consents to the relief sought.

Respectfully Submitted,

The Law Office of Jesse Winograd

Date: May 23, 2022

/s/ Jesse Winograd
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Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

Respectfully submitted,

Date: May 23, 2023

/s/ Jesse Winograd

Jesse Winograd, Esq. (VA Bar #79778)